§ 2909. Retention of records

The Archivist may empower a Federal agency to retain records for a longer period than that specified in disposal schedules, and may withdraw disposal authorizations covering records listed in disposal schedules. The Archivist shall promulgate regulations in accordance with section 2104(a) of this title to implement this section.

(Historical and Revision Notes)


Amendments

1962—Pub. L. 87–555 substituted ‘‘Archivist’’ for ‘‘Administrator of General Services’’.

Effective Date of 1984 Amendment


§ 2910. Preservation of Freedmen’s Bureau records

The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the ‘‘Freedmen’s Bureau’’, by using—

(1) microfilm technology for preservation of the documents comprising these records so that they can be maintained for future generations; and

(2) the results of the pilot project with the University of Florida to create future partnerships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.

(Added Pub. L. 106–444, §2(a), Nov. 6, 2000, 114 Stat. 1929.)

Historical and Revision Notes


Amendments

1984—Pub. L. 98–497 substituted ‘‘Archivist’’ for ‘‘Administrator of General Services’’.

Effective Date of 1984 Amendment


CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.


Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 396(b) (June 30, 1949, ch. 288, title V, § 506(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Amendments


§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for—

(1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101–2117, 2501–2577, 2901–2909, and 3101–3107, of this title and the regulations issued under them.


Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., §396(b) (June 30, 1949, ch. 288, title V, §506(b), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).
§ 3103. Transfer of records to records centers

When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.


Prior Provisions


AMENDMENTS


Effective Date of 1984 Amendment


§ 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.


Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 396(d) (June 30, 1949, ch. 288, title V, § 506(e), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS


Effective Date of 1984 Amendment


§ 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

(1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301–3314 of this title, and

(2) the penalties provided by law for the unlawful removal or destruction of records.


Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 396(e) (June 30, 1949, ch. 288, title V, § 506(e), as added Sept. 5, 1950, ch. 849, § 6(e), 64 Stat. 583).

AMENDMENTS


Effective Date of 1984 Amendment


§ 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.


Historical and Revision Notes


AMENDMENTS

1984—Pub. L. 98–497, § 107(b)(21), substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator”.

Pub. L. 98–497, § 203(b), inserted at end “In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.”
CHAPTER 33—DISPOSAL OF RECORDS

Sec. 3301. Definition of records.
3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction.
3303. Lists and schedules of records to be submitted to Archivist by head of each Government agency.
3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.
3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.
3305. “Exam, of lists and schedules by joint congressional committee and report to Congress.”
3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.
3307. Disposal of records upon failure of joint congressional committee to act.

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